THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.20845 OF 2007

Dated: 04-10-2007

Between:

M/s.Sri Viswasanthi Educational Institutions (P) Ltd.,
Krishna District.

...Petitioner

and

1.The Joint Commissioner (CT), Legal,
Hyderabad and others.

...Respondents

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AND
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WRIT PETITION NO.20845 OF 2007

Dated: 04-10-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal before the Sales Tax Appellate Tribunal, the second respondent-Commercial Tax Officer has issued garnishee notice dated 18-09-2007.

It is admitted at the bar that the petitioner has already deposited 50% of the disputed tax.

We think that the impugned Garnishee notice should have not been issued as the appeal is ready for hearing and 50% of the disputed tax has already been deposited.

Therefore, we allow the Writ petition, set aside the impugned Garnishee notice and direct that there shall be stay of recovery till disposal of the appeal by the Tribunal. No costs.

(Bilal Nazki, J)

Dated 4th October, 2007

(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
B/o
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